THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 21349 of 2005

DATED: 30.01.2006

Between:

Ch.Kanaka Durga.

... PETITIONER

AND

The Managing Director and others.

... RESPONDENTS

ORDER:

The petitioner claims that she is the daughter of one Mr.Ch.Nageswara Rao, through his 1st wife Smt.Ch.Lakshmi. Both of her parents were employed in Vijayawada Thermal Power Station, in the Coal Handling Plant. Her mother died on 25.11.1998. The petitioner states that her father married another woman, by name one Smt.Suramma, 3rd respondent herein, after the death of her mother. Her father died on 03.10.2000. The 3rd respondent was employed on compassionate grounds, consequent on the death of Mr.Nageswararao.

The petitioner states that there was an agreement between herself and the 3rd respondent herein, to the effect that she shall deposit a sum of Rs.1,650/- every month, and despite the same, the 3rd respondent is not making any deposits. She claims to have submitted an appeal on 25.03.2004, to the respondents, with a prayer to provide her compassionate appointment, and alleges that the action of respondents 1 and 2 in not considering the same is illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents 1 and 2.

Even according to the petitioner, respondents 1 and 2 have employed the 3rd respondent, her step-mother, on compassionate grounds, consequent on the death of her father on 03.10.2000. Thereby, the obligation of respondents 1 and 2 to provide employment on compassionate grounds to the dependants of the deceased-employee, i.e. Mr.Nageswara Rao, comes to an end.

It is not as if the petitioner was not aware that the 3rd respondent was being employed on compassionate grounds. If the petitioner had any objection for the same, she ought to have raised it, at the relevant point of time. The petitioner acquiesced in the employment of the 3rd respondent, because there existed an agreement between them, for depositing of a sum of Rs.1,650/- per month by the 3rd respondent. If that agreement is violated, it is for the petitioner to work out her remedies against the 3rd respondent, by filing a Suit. In such an event, the truth or enforceability of the agreement would come up for adjudication. Therefore, this Court does not find any basis to grant any relief to the petitioner, in this regard.

Hence, the Writ Petition is dismissed, leaving it open to the petitioner to work out her remedies against the 3rd respondent in an appropriate Court of law. There shall be no order as to costs.

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30.01.2006

Jsu